

# Santa Rosa County Sheriff's Office



## Santa Rosa County Sheriff's Office Sheriff Wendell Hall

### CITIZEN COMPLAINT REPORT

Nature of Complaint: Domestic Violence Date of Incident: 7-26-2015

Location of Incident: 7224 Oakland Dr.

Member(s) Involved: Milton Florida 32570

Margaret Carlson  
Cynthia Carlson (mom) Avery McNeal  
Allen Carlson Dad Cristle McNeal

Complainant: Cynthia N Carlson Date of Birth: 3-12-1959

Address: \_\_\_\_\_ Telephone #: 361-984-5797  
361-816-7782

Summary: Unclosed

I hereby swear and affirm that the above and all attached statements and/or documentation are true and correct to the best of my knowledge. I have fully read and understand the attached Florida State Statute § 112.533 regarding the Receipt and Processing of Complaints. Specifically, I acknowledge that until this investigation is completed, I am not to discuss my complaint with anyone other than the Deputy assigned to investigate my complaint or my legal representative.

Complainant's Signature: Cynthia N Carlson

Sworn to and subscribed before me this  
2<sup>nd</sup> day of August 2015.

[Signature]  
Person Authorized to Administer Oath

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## 112.533 Receipt and processing of complaints.--

- (1) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person.
- (2) (a) A complaint filed against a law enforcement deputy or detention deputy with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the deputy who is the subject of the complaint, either personally or by mail, that the agency has either:
  1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
  2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the deputy who is the subject of the complaint may review the complaint and all statements regardless of form made by the complainant and witnesses immediately prior to the beginning of the investigative interview. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the deputy under investigation, only the names and written statements of the complainant and no incarcerated witnesses may be reviewed by the deputy under investigation immediately prior to the beginning of the investigative interview.

- (a) This subsection does not apply to any public record which is exempt from public disclosure pursuant to F.S.S. 119.07(3). For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.
  - (a) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.
- (1) A law enforcement deputy or detention deputy has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement deputy or detention deputy may attach to the file a concise statement in response to any items included in the file identified by the deputy as derogatory, and copies of such items must be made available to the deputy.

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- (2) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the deputy under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in F.S.S. 775.082 or F.S.S. 775.083. However, this subsection does not limit a law enforcement or detention deputy's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.— F.S.S. 3, ch. 74-274; F.S.S. 3, ch. 82-156; F.S.S. 1, ch. 82-405; F.S.S. 1, ch. 83-136; F.S.S. 1, ch. 87-59; F.S.S. 2, ch. 89-223; F.S.S. 1, ch. 90-32; F.S.S. 31, ch. 90-360; F.S.S. 3, ch. 93-19; F.S.S. 722, ch. 95-147; F.S.S. 39, ch. 96-406; F.S.S. 2, ch. 98-249; F.S.S. 2, ch. 2000-184.

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July 31, 2015

I, Cynthia Carlson (Mother of Margaret Carlson) file a citizen complaint report against Sherriff Deputy Shawn Swindell regarding the incident (offense report #SRSO15OFF006496) that occurred at my residence (6224 Oakland Dr., Milton, FL 32570) on July 29, 2015.

Summary: The Offense Report is accurate, but incomplete.

Glen Carlson (father) returned home from work at 2:20 pm on July 29, 2015 to further discuss the situation I briefed him earlier in the day about Margaret stating she wanted to go and live with Avery McNeal (boyfriend) in Fort Bragg, North Carolina. Margaret sat with us in the living room and said she wanted to have a conversation about what she had decided she was going to do. She had made her decision and wasn't willing to listen to our experiences and reasons why we were upset with her decision. During the discussion Margaret was texting and talking to Avery on the phone, which further upset us because the discussion was between parents and our child. Margaret realized her decision to move and be with Avery was going nowhere, she then became emotional by crying and hyperventilating. Glen gathered the keys to the 2009 Jeep and her Military dependents ID.

I asked Margaret for Crystal McNeal's (Avery step mother) phone number so we could all discuss the situation. I called and left a phone message that this decision wasn't going to happen with Margaret and we needed get the parents together to discuss. Crystal returned my phone call and I stated I would like to get together and discuss this situation with all parents at a future time after we finished talking with Margaret. Crystal stated she was at the front door and I stated she wasn't dressed and not prepared to discuss the situation at that time. Margaret went outside and talked with Crystal until Glen went and brought Margaret back into the house because we weren't finished talking with Margaret. Crystal departed our residence.

Our discussion with Margaret continued and she maintained her emotional condition because she wasn't making any progress with her decision. She continue to text and talk with Avery on the phone. Glen told Margaret she has two options: 1. Stay at home, finish college (degree in dental hygiene), and then we would be more than happy to send her out on her own (all bills paid as they were); or 2. Move out with the clothes on your back and pay for the 2009 Jeep loan payment, car insurance and rent until you leave. At the time of departure the Jeep would stay (Glen is the owner and Margaret is the Co-owner "or") and insurance would end for Margaret because she no longer lives at our residence (home insurance policy). Margaret continued to be emotional stating, "This is my decision." I was so upset I slammed my phone on the countertop and screamed. Margaret went upstairs and continued texting and talking on the phone. Margaret came back downstairs while talking on the phone with Avery, then gave the phone to me which I told Avery that if Margaret has made her decision to be with him, he needed to get her a plane ticket because she had decided to leave today. Avery said he would have someone there to pick up Margaret.

Margaret maintained her emotional level and then we discovered she was talking to Shawn Swindell (Sherriff Deputy - off duty) on the phone. I asked Margaret, "Why did you call the police?" Margaret said, "I didn't call anybody." Margaret gave the phone to me and he said he wasn't going to speak with me. Margaret walked outside in the front yard still on the phone (still crying and hyperventilating). Glen asked Margaret, "Who are you talking to, I need to talk with him (Shawn)?" Margaret didn't answer, but Glen could hear Shawn telling Margaret to stay on the phone, he was on his way and he wasn't talking with anybody. Minutes later Crystal (parked on the street) and Deputy Carlson arrived at our residence which is covered in his offense report. We aren't sure who called 911 or the non-emergency number (Margaret said she didn't).



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Deputy Carlson met Glen on the driveway and discussed the situation. I joined them on the driveway and provided my perspective too. Margaret was observed in the front yard continuing to talk with Shawn on the phone.

Deputy Carlson conducted his investigation with Margaret (long time) and then escorted her to her room so she could pack her belongings and then came to the kitchen to further interview Glen and I. He stated Margaret maintained her decision to leave. Shawn arrived in plain clothes and talked with Crystal by the mailbox. They (Crystal and Shawn) talked for a long period of time while Margaret was packing. Deputy Carlson talked with us and then brought Margaret to us and she requested her SSN card and birth certificate. We stated we would provide them at a later date/time. Margaret put her belongings on the front porch and then Shawn walked up to the front door which was open. I asked Margaret, "Why is he here and why did you call him?" I asked who that was and Deputy Carlson stated it was Deputy (Shawn) Swindell, my boss. "What is he doing here in plain clothes in a jeep?" I stated. "I want to talk with him to find out what he was doing at my house." Shawn was rude to me stating he wasn't going to talk. Shawn told Margaret to be quiet and they gathered her belongings from the porch and put them in the vehicle. Crystal, Shawn, and Margaret talked for a while in the front yard and then Margaret left with them. Deputy Carlson couldn't explain or understand why Shawn was here at our residence.

Later in the evening Deputy Carlson called Glen's phone (361) 816-7782 and left a phone message. Glen returned the call and left a message with dispatch. Deputy Carlson stopped by my residence and talked with me about the Margaret's request for her work keys, SSN card and birth certificate. Deputy Carlson relayed to Margaret the keys and documents would be put in the mailbox. Later on, a two door white sedan arrived at the mailbox and a tall slim lady with long hair retrieved the items from the mailbox.

On Friday, July 31, 2015, I went to the Sheriff's department to retrieve the offense report and further discuss the situation. Sgt Jerry Utsey and Sgt Craig Brinkerhoff assisted me at the department. I wanted to ask what Deputy Swindell's involvement was with the situation so I didn't have to file a report. They called in Deputy Swindell and Carlson regarding the incident. Again, Deputy Swindell refused to answer questions and talk with me at the Sheriff's Department. Deputy Swindell told the department that she (Cindy) needed to fill out the report.

Currently we believe that Shawn is involved with this situation and Margaret is staying at his residence. Margaret called Glen at work on Friday, July 31, 2015 and Glen said we could talk after work. She didn't call back and her correspondence with us has stopped after I departed the Sheriff Department.

## **Background history between Margaret and Shawn.**

Margaret worked with Candice Swindell (Shawn's wife) at Buckle in Cordova Mall earlier this year. Shawn met Margaret while he was visiting the store to see Candice. Months later after both (Margaret and Candice) were no longer working at Buckle, Candice and Shawn invited Margaret to a beach party. Margaret brought Avery because he was visiting for the weekend.

In late July after Margaret's birthday (23<sup>rd</sup>), she got a phone call or text while standing in the kitchen with me. It was Shawn and he asked Margaret if she wanted steak or chicken for her birthday at his residence. Margaret told me she was going and she went to his residence the next day. After returning from her birthday party at Shawn's, Margaret described how strange it was that nobody was there, but another deputy and Candice. Margaret was excited about the cake that Shawn had gotten for her birthday. Margaret began to talk about the crime scene photos and details that Shawn had shown her that evening. It

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disturbed her so much she had trouble sleeping that night. The next day Margaret stopped to get gas on the way to work and discovered her debit card and belongings were missing from her purse. She was absolutely sure she had it prior to the birthday party and it happened there. She didn't find the debit card, cancelled it, and proceeded on to work (called-in, late). That evening at work, Candice came to Margaret's work (tanning store in Pensacola) to tan. Candice asked Margaret how her day was and Margaret replied she had a horrible day because she lost her debit card and other items from her purse. Candice left and then returned 10 minutes to closing with Chic-Fil-A for her. Margaret call me and said, "you are not going to believe what just happened. Candice just brought me Chic-Fil-A 10 minutes before closing." I told Margaret that she needed to stay away from them because it was strange. Margaret agreed it was strange and came home from work.

Cindy Carlson

